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501001-A-01-US (Singh)

CONFIRMATION NO. 3126

DATE OF NOTICE OF ALLOWANCE: December 20, 2005

SERIAL NO. 09/924,983

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): N. Singh et al.
Case: 501001-A-01-US (Singh)
Serial No.: 09/924,983
Filing Date: August 8, 2001
Group: 2114
Examiner: Bryce P. Bonzo

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: Bryce P. Bonzo Date: January 3, 2006

Title: Fault Tolerance Software System with Periodic
External Self-Test Failure Detection

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are submitted in response to the Examiner's Statement of Reasons for Allowance included in the Notice of Allowability dated December 20, 2005 in the above-identified application.

REMARKS

Applicants have reviewed the Examiner's Statement of Reasons for Allowance (hereinafter "Statement") given on page 2 of the December 20, 2005 Notice of Allowability. Based on this review, it appears that certain aspects of the Statement may be viewed as mischaracterizing the scope of the allowed claims and the teachings of the prior art.

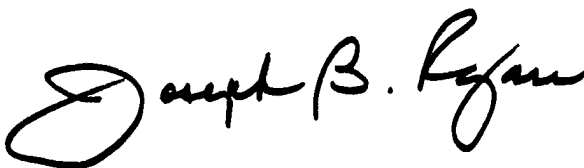
For example, the Examiner in the second paragraph on page 2 states that "the specification (page 1, lines 19-27) as noted [sic] the Appeal Brief delineates very specific criteria as to what components must be present and how they must act within the claimed 'fault tolerance software system.'" Applicants wish to make it clear that the relied-upon portion of the specification is intended as merely exemplary in nature, and should not be construed as setting forth requirements of the invention.

The term "fault tolerance software system" as recited in the claims generally refers to a software system having a failure detection component and a failure recovery component, as argued by Applicants at pages 2 and 4 of the Appeal Brief. However, this is intended as merely a general characterization of such a system, and the particular detailed aspects of various illustrative embodiments, such as those recited as typical or exemplary in the specification at page 1, lines 19-27, should not be read into the claims. Thus, the term "fault tolerance software system" should not be construed as requiring any particular type of failure detection and failure recovery components.

In the Appeal Brief, Applicants simply argued that the debugger disclosed in the Edwards reference cited by the Examiner does not exhibit fault tolerance, and hence is not a fault tolerance software system. Accordingly, to the extent the Statement purports to characterize a "fault tolerance software system" as requiring anything further than a failure detection component of any type and a failure recovery component of any type, it is respectfully traversed.

In summary, Applicants believe that each of claims 1-18 is allowable because the particular limitations thereof are not taught or suggested by the prior art of record. To the extent that the Statement includes language which deviates from the actual language used in the particular limitations of these claims, or characterizes certain claim terms or the prior art in a manner inconsistent with their respective characterizations in the papers previously filed by Applicants, the Statement is respectfully traversed.

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph B. Ryan". The signature is written in a cursive style with a large, looped initial "J" and a stylized "R".

Date: January 3, 2006

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